

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JAMES M. BENNETT,**

**Plaintiff,**

**vs.**

**Civil No. 10-05 WDS**

**MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration,**

**Defendant.**

**JUDGMENT**

**THIS MATTER** came before the Court upon Plaintiff's Motion to Reverse and Remand for a Rehearing [docket #15]. Consistent with the Memorandum Opinion and Order that accompanies this Judgment,

**IT IS ORDERED AND ADJUDGED** that Plaintiff's Motion to Remand for a Rehearing is granted. This cause is remanded to the Commissioner of Social Security for further proceedings consistent with the Memorandum Opinion and Order.

**IT IS FURTHER ORDERED AND ADJUDGED** that this is a final judgment pursuant to Federal Rule of Civil Procedure 58. Plaintiff may file an application for fees and other expenses under the Equal Access to Justice Act within ninety (90) days of the entry of this Rule 58 final judgment.



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**W. DANIEL SCHNEIDER  
UNITED STATES MAGISTRATE JUDGE**